

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**PAUL PIZZUTO**

**Plaintiff,**

**Civil Action No. 04-12492 GAO**

**vs.**

**CROSSKEN EXPRESS, INC., STEVEN  
CROSSKEN, JOSEPH HAMILTON,  
GREG SWEATT, AND ARTHUR  
LEVERIS,**

**Defendants.**

**JOINT MOTION TO EXTEND TIME FOR COMPLETION OF FACT DISCOVERY  
AND FOR CONTINUANCE OF STATUS CONFERENCE**

The parties to this case have agreed to attempt to resolve their differences through mediation and have asked the Court to assign a Magistrate Judge to act as mediator. (*See Exhibit A*). In order to avoid the time and expense of continued discovery, which both parties hope will become unnecessary, the parties respectfully move to extend the close of fact discovery, from December 8, 2006, for an 8 week period of time beyond the close of mediation, and to continue the status conference, currently scheduled for December 19, 2006, accordingly. In support of this motion, the parties state as follows:

1. This is a complex employment discrimination case involving multiple claims against five defendants.
2. Written discovery has been ongoing and has revealed the need to notice the depositions of numerous witnesses.
3. The parties have agreed to attempt to resolve their differences through mediation, and have asked the Court to assign a Magistrate Judge to act as mediator.

4. In so doing, the parties hope to avoid resort to litigation, and hope that continued discovery will become unnecessary. However, the parties are asking for an 8 week period of time beyond the close of mediation to complete fact discovery in the event that mediation is unsuccessful.
5. The parties are mindful and respectful of the Court's desire to avoid unnecessary delay but respectfully request the Court to allow this joint motion under the circumstances.
6. In further support of this motion, both parties desire this brief extension, and submit that neither side will be prejudiced as a result.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the deadline for completion of fact discovery be extended from December 8, 2006, for eight weeks beyond the close of mediation, and that the date of the status conference, currently scheduled for December 19, 2006, be adjusted accordingly.

PAUL PIZZUTO,

AIRBORNE EXPRESS, INC.,  
STEVEN CROSSKEN, JOSEPH  
HAMILTON, GREG SWEATT,  
AND ARTHUR LEVERIS,

By his attorney,

By their attorneys,

/s/ Richard A. Mulhearn  
Richard A. Mulhearn BBO# 359680  
Law Office of Richard A. Mulhearn, P.C.  
41 Elm Street  
Worcester, Massachusetts 01609  
(508) 753-9999

/s/ Sheryl D. Eisenberg  
C. Max Perlman BBO# 630395  
Sheryl D. Eisenberg BBO# 641304  
Sullivan, Weinstein & McQuay, P.C.  
Two Park Plaza  
Boston, MA 02116-3902  
(617) 348-4300

Dated: November 9, 2006

SHERYL D. EISENBERG  
(617) 348-4384  
SEisenberg@swmlawyers.com

November 9, 2006

**BY ELECTRONIC FILING**  
**AND COURTESY COPY BY HAND**

Paul Lyness  
Clerk's Office, Civil  
United States District Court  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02110

Re: Pizzuto v. Airborne Express, et al.  
Civil Action No. 04-12492GAO

Dear Mr. Lyness:

In order to avoid the time and expense of litigation, the parties to the above-referenced matter have agreed to attempt to resolve their differences through mediation. Accordingly, the parties respectfully request that a Magistrate Judge be selected and assigned to the case to act as mediator. Thank you for your attention to this matter.

PAUL PIZZUTO,

AIRBORNE EXPRESS, INC.,  
STEVEN CROSSKEN, JOSEPH  
HAMILTON, GREG SWEATT,  
AND ARTHUR LEVERIS,

By his attorney,

By their attorneys,

/s/ Richard A. Mulhearn  
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